



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2401127 & 2404135
Applicant Name: David Reich
Address of Proposal: 13021 13th Avenue Northwest & 13015 13th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Master Use Permit for removal of 12,000 sq. ft. of vegetation in an environmentally critical area. Project includes vegetation management plan and environmental review for the removal of two Douglas fir trees at 13015 13th Av NW (2404135).

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code.)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Location: The sites are residential properties located along the west side of 13th Avenue Northwest.

Zoning: Single Family 9600 (SF 9600)

Parcel Size(s): The parcel sizes for the property located at 13021 13th Avenue Northwest and 13015 13th Avenue Northwest is 19,000 sq. ft. and 30,495 sq. ft. respectively.

Existing Use: Both properties are currently developed with single family residences.

Zoning in the Vicinity: The zoning in the vicinity is SF 9600.

Use in the Vicinity: The development in the vicinity consists of single family residences.

Proposal

This proposal involves the removal of six (6) trees and native vegetation within environmentally critical areas located on two neighboring properties. The applicant's goals are the following: remove trees that are diseased or dying; remove trees that have the potential of damaging existing structures; protect an existing "Class A stream" within the unimproved 13th Avenue Northwest right-of-way; and provide a restoration and vegetation management plan.

Two (2) of the six (6) existing trees slated for removal are Douglas Firs measuring 26" and 34" dbh ("diameter at breast height"-meaning diameter of the tree trunk), located on the property addressed as 13015 13th Avenue Northwest. The remaining trees are two (2) Douglas firs, one (1) Western red cedar and one (1) Red alder, measuring 36" dbh, 26.5" dbh, 18" dbh and 11" dbh respectively. These four trees reside on the property addressed as 13021 13th Avenue Northwest. Additional vegetation removal and stream protection has been identified within the 13th Avenue Northwest right-of-way. The applicant will obtain separate permitting from Seattle Department of Transportation (SDOT) for all work identified within the street right-of-way.

The project includes specific recommendations from David Reich, Certified Arborist as well as Geotech Consultants, Inc., on how the work is to be performed. Per the Arborist Report and as identified per plans, the project should be completed within three (3) phases and in accordance with all pertinent American National Standards Institute (ANSI) A300 and Z-133 performance and safety standards as adopted and prescribed by the International Society of Arboriculture (ISA) and by the Pacific Northwest Chapter of ISA (PNW-ISA). Each phase includes the following activity:

Phase I

- Install silt fence along identified stream within the street right of way.
- Remove six (6) existing trees identified above and provide normal pruning and maintenance for five (5) existing trees.

Phase II

- Climb, inspect, crown-clean and remove vines as needed.
- Remove all existing and project generated debris not retained for site restoration.
- Remove all garbage and noxious, non-native, invasive vines and perennials from site in trees and on the ground.
- Cover exposed topsoil on all sloped portions of the sites with double layer of erosion prevention fabric and mulch and secure.
- Recycle brush chips, selected branch stems and small trunk logs onto slope.
- Protect stream against debris, siltation and sediment.

Phase III

- Plant and establish new large species native trees and understory vegetation layers as detailed in restoration plan.
- File and adhere to a three year minimum established maintenance plan.

Public Comments

The required public comment period ended on July 7, 2004. DPD received one written comment from a neighbor requesting that the comment period be extended.

Additional Information

DPD has granted an ECA exemption (Project #2403391) for modification to submittal requirements. It was determined that the topographical site map provided by the applicant is considered satisfactory for the proposed tree and vegetation removal project.

ANALYSIS - SEPA

The proposal sites are located in steep slope, landslide prone and known landslide prone critical areas and abut a riparian corridor and wetland within the right-of-way, thus the application requires environmental review resulting in a Threshold Determination pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Pursuant to SMC 25.09.320.E, the ECA ordinance states, "*The Director shall consider the following circumstances and conditions in rendering a decision on a vegetation and tree removal permit: 1) The applicant shall justify the need for tree and/or vegetation removal; 2) The applicant shall demonstrate that any tree and/or vegetation removal shall not adversely affect stability, erosion potential, existing drainage conditions, and/or fish and wildlife habitat areas on-site, on adjacent sites, or within the drainage basin; 3) The applicant shall demonstrate that the activity shall not be a precursor of a later development proposal, unless a plan is approved by the Director for public safety reasons and/or except to conduct soil testing subject to DPD's Director's Rule for Investigative Field Work in Environmentally Critical Areas; and 4) The Director may require a vegetation and tree removal and replacement plan and may otherwise condition the permit to protect the public health and safety and prevent harm to the affected environmentally critical area.*"

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 2, 2004. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file, specifically the Arborist and Geotechnical report. Technical assistance was provided by an SDOT City Forester. As indicated in the checklist, this action will result in

adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant provided recommendations made by the applicant's Arborist and Geotechnical reports are followed.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under certain limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary impacts on the identified critical areas are expected: vegetation removal (including removal of six mature trees); increased soil erosion and sedimentation during tree and vegetation removal and following until vegetation is adequately established on site; increased runoff; and noise associated with diesel or gas combustion equipment. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of the tree and vegetation removal. The ECA ordinance regulates activity within designated ECA areas. The Noise Ordinance regulates noise impacts due to equipment operations. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Earth

The ECA Ordinance requires submission of technical reports to detail soils, geological, hydrological, drainage, plant ecology and botany, vegetation and other pertinent site information. Pursuant to this requirement the applicant submitted the following technical reports:

- A geotechnical engineering study prepared by Marc R. McGinnis, P.E. dated April 13, 2004. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, and earthwork.
- An arborist report prepared by David M. Reich dated April 16, 2004. The report includes an inventory of the existing trees and vegetation mainly located on the site addressed as 13021 13th Avenue Northwest, specific trees and vegetation located on the neighbor's property (13015 13th Avenue Northwest) and public right-of way (13th Avenue Northwest) and provides recommendations for tree/vegetation restoration and tree/vegetation management.
- A plant pathologist's report prepared by Ribeiro Plant Lab dated February 20, 2004.

These reports have been reviewed by DPD's geotechnical experts and an SDOT City Forester, who have concluded that the proposed tree and vegetation removal and restoration may proceed. The tree and vegetation removal plans, including erosion control techniques, restoration plans and monitoring plans will be reviewed by DPD. Applicable codes and ordinances provide extensive conditioning

authority and prescriptive methodology for tree and vegetation removal. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts with regards to slope stability or soil erosion control if the vegetation management and restoration plan is not continually monitored per the arborist requirements.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code. Unfortunately, these codes don't provide specify the manner in which the restoration plan should be monitored and how frequent this planting monitoring should occur. Therefore, a condition has been added to address this requirement.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

Prior to MUP Issuance

1. The arborist conducting the work must attend an on-site pre-construction conference with DPD's Site Inspector and the SDOT City Forester to discuss erosion control measures and monitoring methodology.

Prior to Final Approval of the Tree and Vegetation Permit (non-appealable ECA Conditions)

1. The arborist conducting the work must schedule an inspection with the DPD biologist (Rob Knable) after the planting has been completed.

2. A monitoring report shall be produced annually for a minimum of 5 years unless the Director of DPD determines the planting plan is a success, then monitoring may be discontinued after 3 years. The report shall be prepared by a qualified firm and will include photos of the restoration area and percent cover, survival rates of plant stock and any contingency plans if necessary. This report should be provided to DPD Site Team after the growing season but no later than October 31st of each year.

Signature: _____ (signature on file) Date: November 15, 2004

Tamara Garrett, Land Use Planner
Department of Planning and Development
Land Use Services

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